

Something offered to the Consideration of all those who have a hand in putting the late made Act, (entituled, *An Act to prevent and suppress Seditious Conventicles*) in execution.

For the sake of such who have any tenderneſs towards the Innocent ; and alſo for the information of all others, who have had, ſhall or may have, a hand in putting in Execution the ſaid Act, I ſhall offer ſomething to ſhew, whom and what Exerciſes of Religion are concerned in and by the ſaid Act, and what not, According to the moſt true natural genuine literal ſenſe and meaning thereof, and no otherwiſe.

I Shall begin with the Title and Preamble of the ſaid Act, and then come to the Body of it.

This Act is entituled, *An Act to prevent and ſuppreſs Seditious Conventicles*. It ſeems, there is, or may be, ſeveral ſorts of Conventicles, as the word *Conventicle* doth import, which is a convening of ſeveral perſons together for ſome end and purpoſe or other. Now there may be a convening of perſons together for good ends, as there may be a convening of perſons together for evil ends. There may be a convening of perſons together honeſtly, and juſtifiably, upon a Religious account ; as there may be a convening of perſons together in order to the ſowing or ſpreading of Sedition : which latter, this Act, by the Title of it, ſeems to be made to prevent & ſuppreſs, as appears by joyning the explanatory word *Seditious* to Conventicle, viz. *An Act to prevent & ſuppreſs [Seditious Conventicles]*. And this doth further appear by comparing therewith the Preamble or Reason of the Act, which runs thus : *For providing therefore of further and more ſpeedy remedies againſt the growing and dangerous practices of [Seditious Sectaries] and other diſloyal perſons, &c.* Here the word [*Seditious*] is uſed again, and joyned to *Sectaries* and

other disloyal persons. Now the word *Sectary*, as it is generally accepted, doth import persons of several opinions or practices in matters of Religion, differing from the established Religion of Nations, and

† *For to such all the King's Promises of Indulgence are renewed in his Declaration of the 26th of Decemb. 1662. which see more at large.*

such as for Conscience-sake cannot conform thereunto. These, as truly such, † seem not to be the persons intended in this Act, but such, and only such, as *are seditious Sectaries*, and under pretence of tender consciences, do at their Meetings contrive Insurrections, or sow Sedition among the people; So that both by the Title and Preamble this Act doth pretend at least to be made to punish *seditious Sectaries*, and to suppress their Meetings, and not to punish the truly conscientious, nor suppress the

Meetings of those who meet together nor under any colour, but *really and truly* to worship God as he doth require and perswade them in their own hearts and consciences.

But as if the Title and Preamble were only specious pretences of a Law against seditious and disloyal persons, to colour over foul intentions in the body of the Act, which seems to look a quite contrary way, and is so made use of, and runs thus;

Be it enacted, &c. That if any person, &c. shall be present at any Assembly, Conventicle or Meeting, under [colour or pretence] of any Exercise of Religion [in other manner than is allowed, &c.] The words [under colour or pretence] seem to relate to the Preamble of the Act. But then the matter of fact, or that which makes the Meeting unlawful, so as the being present at it becomes an offence, ought to have been expressed to be the plotting or contriving Insurrections, or the doing of some action or other, that might render the Meeting [*a Seditious Meeting, under the colour or pretence of Religious Exercise*] which would then have held proportion with the Title and Preamble or Reason of the Act; and might have been counted a reasonable Law, as all Laws ought to be: For *Right Reason*, according to the Law of God, is (or ought to be) the ground or foundation of all Law. And that Law that hath not Right Reason for its foundation, is null and void in it self; and will never be of, nor bear any authority over sober and reasonable men, nor answer to the Witness of God in the Consciences of the Transgressors. But this not being such, nor so to be understood, as the Judges and Executors of the Law do declare, both by word and practice. It seems to be an unnatural, unreasonable and unequal Law, and not at all like what it pretends it self to be, Namely, *An Act to prevent and suppress [Seditious Conventicles] or to prevent the growing and dangerous practices of [Seditious Sectaries]*

Sectaries] and other disloyal persons, who under pretence of tender Consciences, do at their Meetings contrive Insurrections, &c. I say, as interpreted and made use of by our reasonless Judges, Justices and Executors of the Law, it is so far from being what it pretends it self to be, to wit, A Law to punish the guilty, such as pretend to one thing and do another, that it's made use of to punish the *Innocent*; (to wit) such as are really, and do truly what they pretend themselves to be and do, that is, are truly tender in Conscience, and do meet (not only under pretence of Religious Exercise, but) *really and truly* to worship God in a peaceable quiet manner, (or, to use the Kings own words in the aforementioned Declaration) *do modestly and without scandal perform their devotion in their own way.*

But it seems that principally which makes the Meeting unlawful, is, The Exercise of Religion, being *[in other manner than is allowed by the Lyturgie or practice of the Church of England, &c.]*

If it be so that the Religious Exercise it self is that which the Law is made against, and that, because in the manner of it, it may not be allowed by the Lyturgy or practice of the Church of England; then this doth make it further appear to be an unnatural and unreasonable Law: For, as there is no reason rendred, so there is no reason to be rendred, for the making of a Law to limit or restrain all people in their Religious Exercises to the allowance of the Lyturgy or practice of the Church of England. For the Lyturgy, upon which the practice of the Church of England in this case seems to be grounded, hath at most but the ordering, direction and prescription of humane Authority for its establishment; But the True Religion, and Religious Exercise, that God accepts, as well to the manner as to the matter of it, must be performed according to the ordering, direction, prescription and assistance of the Spirit of God; and cannot (neither is there any reason why it should) be limited to the allowance or prescription of the Lyturgy, or any humane practice or invention whatsoever, especially if it be true: As it was said by some Judges and Executioners of this Law, *viz. That to worship God in Spirit and Truth, is to worship God in other manner than is allowed by the Lyturgie or practice of the Church of England.* And if it be so, that the Lyturgy and practice of the Church of England is so far degenerated from the Spirit of Truth, that neither the one nor the other doth so much as allow of worshipping God in Spirit and in Truth, as these men say, O how can they blame those that separate from such a Church, as from an Harlot or menstruous Woman, that a man cannot touch but he must be defiled!

If the manner of the Religious Exercise be that which makes the

Meeting lawful or unlawful, then it seems the chief force of the Act is in these words (*viz.*) *Shall be present at any Assembly, Conventicle or Meeting, under [colour or pretence] of any Exercise of Religion, in other manner than is allowed, &c.* And then the words [Colour or pretence] in this place is not to be understood to look back to those mentioned in the Preamble, who under pretence of tender Consciences do at their Meetings contrive Insurrections, &c. but to look forward to the manner of the Religious Exercise, and then the word Colour is improper in this place, which can no otherwise be understood, but to make the pretence of Religious Exercise to be a colour for some evil action, intended: but to take the word pretence apart from colour, and then it may be understood to intend no more than that which is beforehand declared or foreshewn of the intention of the Meeting; and in this sence I am willing to understand and make use of the word pretence in what follows: And then it is clear that the principal offence in the Law is, the Religious Exercise it self, and that in the manner of it.

There are several qualifications which must concur to make the persons present at Meetings, Offenders against this Act; they are as followeth.

1. The Meeting must be *under pretence of some Exercise of Religion.*
2. That Exercise of Religion must be *in other manner than is allowed by the Liturgy or practice of the Church of England.*
3. There must be *five persons present, over and above the persons of the Family.*
4. The persons present must be of the age of *sixteen years or more*, and *Subjects of this Realm.*

It seems this Act is not against all Meetings, but only against such Meetings as are *under pretence of some Exercise of Religion*; neither is it against all Meetings under pretence of Exercise of Religion, but only such as are in *private Families*, and within the forementioned qualifications: For, 1. if the Meeting be under pretence of Religious Exercise, yet if the Religious Exercise be in no other manner than is allowed, &c. this Meeting is not within the Act, although there be five persons or more present besides the persons of the family.

2. If the Religious Exercise used, be in other manner than is allowed; if there be not five persons or more present, of the age of sixteen years, and Subjects of this Realm, this Meeting is not within the said Act.

Quer. *What Meetings then are those within the Act?*

Ans. Such Meetings as are within all the qualifications, the principal of which are the two first, *viz.* The Meeting being under pretence

of Religious Exercise in *other manner than is allowed, &c.* Then it seems the *manner* of the Religious Exercise is the principal qualification that makes the Meeting either lawful or unlawful ; and that as it is either allowed or disallowed by the *Lyturgy* and practice of the Church of *England*.

Then the Question is, *What Exercises of Religion, as to the manner of them, are, and what are not allowed by the Lyturgie or practice of the Church of England?*

Ans. Such Exercises of Religion as have prescript forms or manners for the exercise thereof, and no other forms or manners are allowed of ; Such Exercises of Religion, if not performed in the same form or manner as is prescribed, are in other manner than is allowed, &c. But all such Exercises of Religion as have no prescript forms nor manners but the practice of the Church of *England*, is, to leave all persons to use their own forms or manners, such Exercises of Religion cannot be performed in other manner than is allowed, &c.

Those Exercises of Religion used in private families which have prescript forms, are Baptism, the Visitation of the Sick, and Administration of the Communion (as they call it) to the sick person, and others with him. Now if any of these Exercises of Religion, or any other that have prescript forms, be performed in any other manner than is prescribed, at any Meeting where there shall be five persons or more present, over and above the persons of the family, this Meeting is within the Act, and the persons present, if within the other qualifications, may be punished by it.

Those Exercises of Religion that have no prescript forms, are these, *viz.* Preaching, Prayer out of Churches (so called) and Conference or the like. There is no prescript form of Preaching, no prescript form of Prayer in private (except as is before exprest) no prescript form of Conference, but every man is left to use his own form or manner in all these Exercises of Religion ; So that these Exercises of Religion cannot be performed in other manner than is allowed, &c. And then where ever these Exercises of Religion, or such like, are used, and no other, that have prescript forms, though there be five persons or more present over and above the persons of the family, yet this Meeting is not within the said Act.

If it be the practice of the Church of *England* to allow all persons to use their own forms or manners in such Exercises of Religion to which no forms or manners are prescribed, then I query to all you Judges, Justices & Executors of the Law, what Exercises of Religion have been performed in the Meetings of those peaceable people, in scorn called *Quakers*, whom you have so violently persecuted under pretence of the

said Act, that hath been in other manner than is allowed by the Lyturgy [or] practice of the Church of *England*? I say, shew us and the Nation what they are, and how they have been performed in other manner than is allowed, &c. And if you do not (as sure you cannot) then will not the Nation, as well as we, see that you make the Law but a meer pretence and colour, under which you execute your own wrath, enmity and prejudice against the Innocent. And then it is time for you to cease your false and opprobrious language of *Rebellion*, *Stubbornness* and *Disobedience to the Laws*, to those who are made subject in their spirits, not only to the Law of God, but also to all just and equal Laws of men, and see your selves to be those *stubborn*, *disobedient* and *stiffnecked* persons, not only against the Law of God in your selves and others, but also against the Justice, Equity and Truth of the Laws of this Nation; and also the very letter of the Law, under pretence of which you have injured, wronged and spoiled so many hundreds, not only in their Liberties and Estates, but very many of their Lives also. Oh surely the Lord will yet again, as in dayes past, arise and plead the Cause of the Innocent and Oppressed, and raise up the Spirit of Justice and true Judgment in this Nation; and then in that day how will you be able to answer or make satisfaction for the hundredth part of that dammage and spoil you have made upon the Innocent! O therefore that you might hear and fear, repent and do no more so, that the Judgment threatned you might escape.

But to return. I shall take it for granted, till it be denied, that it is the practice of the Church of *England*, to allow all persons to use their own forms or manners in such Exercises of Religion as have no forms or manners prescribed: And then I say, first, to you in Commission for the Peace, or chief Magistrates of Corporations, that unless it doth appear or be proved to you, that there are private Meetings, where there is some exercise of Religion or other used, that have prescript forms, and are used in other manner than is prescribed, it is not lawful for you to find or commit the persons, present at such Meetings, to Prison, for refusing to pay Fines wrongfully imposed on them; but rather protect and defend the peaceable and quiet Meetings of such, who at their Meetings use no other manner of Exercise of Religion but such as is allowed by the Lyturgy [or] practice of the Church of *England*.

2dly. You of the *Grand Jury*, who have sworn to make your Presentments free from fear, favour or reward, and to present *the truth, the whole truth, and nothing but the truth*, How can you with good conscience present any for being present at an *Assembly, Conventicle or Meeting, under colour and pretence of Exercise of Religion* [in other manner than is allowed, &c.] when nothing of the Religious Exercise, or manner of it, hath

hath been proved to you ; And if it hath, then ought you not to express the particular Exercise of Religion, with the manner of it, in the Bill of Presentment, that it may appear to others, as well as to your selves, that it was in other manner than is allowed by the Lyturgy or practice of the Church of England ?

3dly. I shall say something to you of the *Petty Jury*, in whom the final Judgment in this matter doth reside : You take this Oath following ; viz. *You shall well and truly try, and true deliverance make, between our Sovereign Lord the King, and the Prisoners at the Bar (whom you shall have in charge) according to your Evidence. So help you God.*

It seems you are *sole Judges* between the King and the Prisoners at the Bar, as to the matter of Fact, and this you are to do *truly, according to your Evidence*. Now when Indictments come before you upon the said Act, you are warily to consider the Indictment, which ought to express the *particular Exercise of Religion* used at such Meetings ; but if it run only in general terms, as hitherto they have done, that the persons named were present at such a time, in such a place, at an *Assembly, Conventicle or Meeting, under colour or pretence of Exercise of Religion [in other manner than is allowed by the Lyturgie or practice of the Church of England.]* You being sworn to go according to your Evidence, you ought to have clear and sufficient Evidence in all the afore-mentioned particular qualifications ; Also, that these very persons *have been twice before convicted of the like offence before two Justices of the Peace, or the chief Magistrate of such Corporation where there is not two Justices of the Peace, in due manner, and according to the form of the Statute in that case made and provided ;* which must appear upon Record under their hands and seals : which Record ought to express the matter of Fact, with all plainness and clearness ; not in general terms, for that is not sufficient, but ought to express the particular Exercise of Religion, with the manner of it, that it may appear to you, the persons were duly convicted as the Law requires. And this you are to consider, that the *matter of fact*, which ought to be proved to you, is twofold ; the first and principal is, That the Exercise of Religion used at such Meetings was *in other manner than is allowed, &c.* else the second matter of fact, to wit, *the being present at the Meeting*, can be no offence : which must be proved by shewing, that the Religious Exercise used was some Exercise of Religion to which the Church of England hath prescribed a particular form, and notwithstanding was performed in other manner than is prescribed, else it cannot be *in other manner than is allowed, &c.* as is before expressed.

If these things cannot be proved, you are perjured men that shall give in your Verdict, that *the Prisoners are guilty in manner and form as they stand indicted*, when the principal part of the matter of fact is not proved

unto you. If the Judge shall say, as he useth to do, that having proved that the persons mentioned were at the Meeting, and that the Meeting was upon a Religious Account: here is the matter of fact clearly proved, and there needs no more to find the persons guilty.

I say, and am ready to maintain it, That such Evidence is not sufficient to prove the Indictment: For though this is matter of fact, yet it is not all the matter of fact; nay, it's but the least part: for the principal matter of fact is the *Religious Exercise*, being *in other manner than is allowed, &c.* and if this be not proved, though the other be proved never so clear, yet you cannot with good conscience, according to your Oaths, bring the persons in guilty in manner and form as they stand indicted: For consider, the Indictment doth not only say, that the persons mentioned were present in such a place at a Meeting, *under colour or pretence of Exercise of Religion*, but also under colour or pretence of Exercise of Religion *in other manner than is allowed by the Liturgy or practice of the Church of England*: and so saith the Act: But on the contrary, ought to acquit or bring in the Prisoner *not guilty of the Indictment*, lest the Judgement and severity of God (to whom alone in point of Conscience you are accountable in this matter) take hold of you, as it hath done of some, who through fear have, contrary to their Consciences, consented, with others, to the bringing-in the Innocent *guilty*, in manner and form as they stood indicted: Witness *Thomas Leader* his Acknowledgment, in a Paper in print under his own Name, entituled, *The Wounded-Heart, or the Jury-mans Offence declared, &c.*

What I have written, I shall commit and commend to the Witnesses of God in the Consciences of all concerned, especially you that may serve of this Jury, that so you may see your own work more plain and clear before you, and be left without excuse.

Written in the first month,
1 6 6 5.

By *Thomas Gibson*, Prisoner
in *Newgate*, under the un-
just sentence of Transpor-
tation to *Jamaica*.

THE END.